

THE HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL MOI, an individual,

Plaintiff,

v.

CHIHULY STUDIO, INC., a Washington
corporation; DALE CHIHULY,
individually and as a married person;
LESLIE CHIHULY, individually and as a
married person,

Defendants.

No. 2:17-cv-00853-RSL

DECLARATION OF HARRY H.
SCHNEIDER, JR. IN SUPPORT OF
DEFENDANTS' AND COUNTERCLAIM
PLAINTIFFS' MOTION FOR
DISQUALIFICATION OF COUNSEL

NOTE ON MOTION CALENDAR:
July 7, 2017

CHIHULY, INC., a Washington
corporation; DALE CHIHULY, an
individual,

Counterclaim-
Plaintiffs,

v.

MICHAEL MOI, an individual,

Counterclaim
Defendant.

HARRY H. SCHNEIDER, JR. DECLARATION
ISO MOTION FOR DISQUALIFICATION
(NO. 2:17-CV-00853-RSL)

23641-0040/135898219.3

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 Harry H. Schneider, Jr. states:

2 1. I am a partner in the law firm Perkins Coie LLP and counsel for Defendants and
3 Counterclaim Plaintiffs Chihuly, Inc., Dale Chihuly, and Leslie Chihuly (collectively,
4 “Chihuly”) in this action. I make this declaration based on personal knowledge and am
5 competent to do so.

6 2. [REDACTED]
7 [REDACTED]
8 [REDACTED] Michael Moi. Anne Bremner, an attorney with Frey Buck, P.S. and
9 counsel of record (“Counsel”), has represented [REDACTED]

10 3. [REDACTED] worked directly with attorneys at
11 Perkins Coie to [REDACTED]

12 [REDACTED]
13 4. [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 [REDACTED] Attached hereto as
18 **Exhibit A** is a true and correct redacted copy of [REDACTED]

19 [REDACTED] In a conversation with me and Susan Foster on June 12, 2017, Counsel asserted that
20 she is [REDACTED]

21 [REDACTED]
22 5. [REDACTED]
23 [REDACTED]
24 [REDACTED] it became clear that [REDACTED]

25 [REDACTED] had shared with Counsel the content of attorney-client communications that [REDACTED]
26 [REDACTED] For example, [REDACTED]

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED] Attached hereto as **Exhibit B** is a true and
6 correct redacted copy of [REDACTED] In a
7 conversation with me and Susan Foster on June 12, 2017, Counsel asserted that [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 6. The impropriety of using Chihuly's privileged and confidential information was
11 brought to Counsel's attention on multiple occasions. Perkins Coie sent counsel two letters
12 expressing concerns about her access to Chihuly's privileged and confidential information.
13 Attached as **Exhibit C** is a true and correct copy of a letter from Susan Foster to Ms. Bremner,
14 dated March 17, 2017. Attached as **Exhibit D** is a true and correct copy of a letter from Ms.
15 Foster to Ms. Bremner, dated March 22, 2017.

16 7. When I spoke directly with Ms. Bremner on April 3, 2017, she rejected the
17 concerns stated in Ms. Foster's letters of March 17 and 22, 2017, claiming she did not have
18 access to any privileged information relevant to Mr. Moi's lawsuit.

19 8. Perkins Coie has been advised by separate counsel for [REDACTED]
20 [REDACTED] that their clients did not give Counsel permission to disclose any information
21 concerning [REDACTED]

22 9. Mr. Moi [REDACTED]
23 [REDACTED]
24 [REDACTED]
25
26

1 10. The Complaint in this case was sent to me on May 2, 2017, but service of
2 process was not effected until May 15, 2017. The Complaint was filed in state court and
3 removed to federal court on June 2, 2017.

4 11. Shortly after service of the Complaint, Counsel noticed [REDACTED] deposition
5 on May 2, 2017.

6 12. In the demand letter and the Complaint, Mr. Moi disclosed that he is in
7 possession of personal and confidential documents belonging to Dale Chihuly. During my
8 meeting with Counsel on April 3, Counsel stated that these documents include legal documents,
9 medical records, and highly personal documents related to Mr. Chihuly's personal life and his
10 family affairs. Through Perkins Coie, Mr. Chihuly has repeatedly requested (1) the return of
11 these documents, or, failing that, (2) the opportunity for Perkins Coie to review these
12 documents. Counsel refused. Only last week, when faced with the prospect of a motion for
13 preliminary injunction for their return, has Counsel finally agreed to return (but has not yet
14 returned) these documents.

15 13. Attached hereto as **Exhibit E** is a true and correct copy of [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 14. Attached hereto as **Exhibit F** is a true and correct copy of the Complaint from
20 *O'Neill v. Di Re*, No. 17-2-13600-0 SEA, filed in King County Superior Court.

21 **I declare under penalty of perjury under the laws of the**
22 **United States that the foregoing is true and correct.**

23 EXECUTED this 22nd day of June, 2017.

24 s/ Harry H. Schneider, Jr.
25 Harry H. Schneider, Jr.
26

1 **CERTIFICATE OF SERVICE**

2 I certify that on June 22, 2017, I served the foregoing on the following attorney(s) of
3 record of record by the method(s) indicated:
4

5 Anne Bremner
6 Frey Buck, P.S.
7 1200 Fifth Avenue
8 Suite 1900
9 Seattle, WA 98101
10 abremner@freybuck.com
11 206-486-8000

- ☐ Via U.S. Mail, 1st Class, Postage Prepaid
☐ Via Hand Delivery
☐ Via Overnight Delivery
☐ Via Facsimile
☒ Via ECF

12 I certify under penalty of perjury that the foregoing is true and correct.

13 DATED this 22ndth day of June, 2017.

14 s/ Harry H. Schneider, Jr., WSBA No. 9404
15 HSchneider@perkinscoie.com
16 Perkins Coie LLP
17 1201 Third Avenue, Suite 4900
18 Seattle, WA 98101-3099